

Surface Mining Reclamation and Enforcement, Interior

§ 773.11

(1) Being an officer or director of an entity;

(2) Being the operator of a surface coal mining operation;

(3) Having the ability to commit the financial or real property assets or working resources of an entity;

(4) Being a general partner in a partnership;

(5) Based on the instruments of ownership or the voting securities of a corporate entity, owning of record 10 through 50 percent of the entity; or

(6) Owning or controlling coal to be mined by another person under a lease, sublease or other contract and having the right to receive such coal after mining or having authority to determine the manner in which that person or another person conducts a surface coal mining operation.

Ownership or control link means any relationship included in the definition of *Owned or controlled* or *Owns or controls* in this section or in the violations review provisions of § 773.15(b) of this part. It includes any relationship presumed to constitute ownership or control under the definition of *Owned or controlled* or *Owns or controls* in this section, unless such presumption has been successfully rebutted under the provisions of §§ 773.24 and 773.25 of this part or under the provisions of part 775 of this chapter and § 773.25.

State violation notice means a violation notice issued by a State regulatory authority or by another agency or instrumentality of State government.

Violation notice means any written notification from a governmental entity, whether by letter, memorandum, judicial or administrative pleading, or other written communication, of a violation of the Act; any Federal rule or regulation promulgated pursuant thereto; a State program; or any Federal or State law, rule, or regulation pertaining to air or water environmental protection in connection with a surface coal mining operation. It includes, but is not limited to, a notice of violation; an imminent harm cessation order; a failure-to-abate cessation order; a final order, bill, or demand letter pertaining to a delinquent civil penalty; a bill or demand letter pertaining to delinquent abandoned mine

reclamation fees; and a notice of bond forfeiture, where one or more violations upon which the forfeiture was based have not been corrected.

[53 FR 38890, Oct. 3, 1988 as amended at 53 FR 44145, Nov. 1, 1988; 53 FR 44694, Nov. 4, 1988; 59 FR 54352, Oct. 28, 1994; 62 FR 19458, Apr. 21, 1997]

§ 773.10 Information collection.

(a) The collections of information contained in 30 CFR part 773 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1029-0041. The information will be used by the regulatory authorities in processing applications. Response is required to obtain a benefit in accordance with 30 U.S.C. 1201 *et seq.*

(b) Public reporting burden for this collection of information is estimated to average four and one-half hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate to OSM Information Collection Clearance Officer, Room 640 NC, 1951 Constitution Ave., Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1029-0041), Washington, DC 20503.

[59 FR 54352, Oct. 28, 1994]

§ 773.11 Requirements to obtain permits.

(a) *All operations.* On and after 8 months from the effective date of a permanent regulatory program within a State, no person shall engage in or carry out any surface coal mining operations, unless such person has first obtained a permit issued by the regulatory authority except as provided for in paragraph (b) of this section. A permittee need not renew the permit if no surface coal mining operations will be conducted under the permit and solely reclamation activities remain to be done. Obligations established under a permit continue until completion of surface coal mining and reclamation operations, regardless of whether the authorization to conduct surface coal mining operations has expired or has